

**Haverhill Planning Board Minutes**                      **May 28, 2013**  
**Draft Subject to Review, Correction, and Approval at Following Meeting**

1.                      **Call to Order**

Chairman Don Hammond called the meeting to order at 7:00 p.m.

Planning Board members present:

Don Hammond

Mike Bonanno

Bill Daley

Tom Friel

Members Tara Krause and Mike Simpson were both excused.

Also present: Ed Ballam, Clerk

Members of the public included Robert Roudebush (who later became an alternate for town meeting), Harry Burgess, Betty Hysong and Nellie DeBloise and her husband.

**2. Designation of Alternates**

No alternates to designate – with the exception that Robert Roudebush filled in for Tom Friel, the selectmen's ex officio member who stepped down from the board to present Frank and Carol Hofmann's subdivision.

**3. Agenda Approval**

Mike B. made a motion to accept the agenda as presented, seconded by Tom Friel. The vote was unanimous.

**4. Approve Minutes of Previous Meeting**

Mike B. made a motion to accept the April 30 minutes. Mike B. commented that the Clerk continues to spell his name in correctly. He said his name is Bonanno. The clerk apologized and said it would be corrected. Tom F. made the motion to accept the minutes as presented with the correct of Mike B.'s last name. The motion was seconded by Bill Daley. The vote was unanimous.

**5. Scheduled Public Appearances**

Don H. called the public hearing of a major three-lot subdivision of Tax Map 419, lot 10, property owned by Frank and Carol Hofmann on Lime Kiln Road, Pike. Tom F. recused himself from discussion of the proposal because he was going to present the plan on behalf of the Hofmanns.

Ed B. reminded the board it needed to decide whether to allow Robert R. to join the meeting as the selectboard's representative in the absence of Tom F. Mike B. made the motion to approve Robert R. as the selectboard's ex officio representative on the board for consideration of the Hofmann application. Bill D. seconded the

motion and the vote was unanimous. Don H. invited Robert R. to join the board at the table.

Ed B. distributed the plan and told the board members it had been warned in the Bridge Weekly, posted and the abutters were notified. He also said the application appeared to be complete. He also reminded the board it had looked at the plan twice in the past couple of months.

Bill D. mentioned about the discussion of whether each proposed lot needed per test pits.

Tom F. said for the record, Frank and Carol Hofmann are seeking permission to divide their property into three lots, one being 19.23 acres, a second measuring 66.49 acres and the last 18.14 acres on which the house is currently located.

Don H. asked if there were any abutters interested in the proposed subdivision. There were none and no comments were made.

Robert R. asked if the abutters had been notified in the customary way. Ed B. said yes they had by registered, return receipt mail at least 10 days before the hearing. Robert R. asked if it had also appeared in the newspaper. Ed B. said it had, also at least 10 days before the hearing. Ed B. said had also been posted in four places, one at the town office, a second at the Pike Post Office, the third at the North Haverhill Post office and lastly at the Woodsville Post Office.

Tom F. said there had been a question about test pits which had been discussed and resolved during previous preliminary, conceptual meetings. Tom F. said that one of the lots, the 66.49 acre parcel is an irregular shape, but is quite large and the board had typically not had any problem with bigger lot shapes.

Ed B. pointed out that because all three lots are able to be re-subdivided it is a major subdivision. The term in this case has nothing to do with the number of lots.

Don H. said there being no further questions, the public hearing was closed at 7:10 p.m. He asked for any if there were any questions or discussion by board members.

Ed B. pointed out the order for making a decision. First there would have to be a positive motion to accept the application as complete. Then, a motion to approve or deny could be made after that.

Don H. said the board had discussed it twice in as many months with no questions and he did not have any questions now. He asked the board if they had any.

Mike B. made the motion to accept as complete the application of Frank and Carol Hofmann for property on Lime Kiln Road, Tax map 419 lot 10. The motion was seconded by Robert J.

There were some questions to make sure the application was complete. There was additional discussion about whether the properties needed perc test pits. It was mentioned that in previous meetings, there had been made a decision that no perc tests were required because of the size of the parcels. The board asked Harry B. who agreed there was no need for test pits. Don H. called for the vote on the motion to accept the plan as completed. The vote was unanimous.

Mike B. then made a motion to approve the major three-lot subdivision on Lime Kiln Road, submitted by Frank and Carol Hofmann, tax map 419, lot 10. Bill D. seconded the motion to approve. The vote was unanimous.

Harry B. handed the board the mylar for the Hofmann application and Tom F. handed the clerk \$51 cash for recording fees and LCHIP fees. Harry B. and Don H. signed the mylars in preparation for recording.

Robert R. was thanked and excused from the meeting. Tom F. joined the meeting at 7:16.

Don H. asked that the board move up discussion of public appearances previously not scheduled to accommodate Harry B. and Betty H. There was no objection from the board. Ed B. said consensus was fine, and there was no need to take a vote to re-arrange items on the agenda.

Don H. then invited Harry B. and Betty H. forward for a preliminary discussion of a two-lot subdivision in Oak Ridge Park, Lot 68B.

Harry B. said had a conceptual design for Map 406 Lot 36, owned by Betty H. He said the property is a five-acre lot with an existing house already on the property. He said the entrance to the park is opposite Horse Meadow Senior Center and the Grafton County Courthouse. A road entrance is off Dartmouth College Highway.

Bill D. asked if the abandoned railroad bed was recognized as a road. He asked if it was legally adopted as a road, or if it was just being called a road because people drive on it and use it as a road.

Don H. said it is characterized as a private road or driveway because it was established as a road by Herb Reed, the founder of the park. Now, the park owns the road. Betty H. confirmed that fact that is a private road. A new road would be used to access the existing house. The existing road would be used to access the new house. She said depending on the language in her deed, she might have to get a right-of-way from the park association to complete the project.

Don H. said that if she owns all the land which is being affected, she wouldn't need to get a right of way from the park, but would have to make sure that any access to either home had access by a right-of-way that she would grant.

Tom F. had questions about the access to the existing home. Betty H. said the access to the park divides into three roads, one that follows the railroad bed, another goes up the hill where trailers have been placed and another goes around a tight corner goes up and forks. Until the road divides, it belong to the park.

Tom F. asked for further clarification of the right of way and was shown on a tax map how Betty H. accesses her home. He also asked the approximate size of each lot to be created. Betty H. said one would be three acres and the other would be two acres.

Don H. said a right-of-way given by Betty H. to whomever buys the property would solve the issue. He said Tom F. was making too much out of the proposal and it was a pretty simple two-lot subdivision.

Bill D. questioned the granting of a right-of-way off a private road and whether it made a difference.

Harry B. pointed out where the new building lot would be created and how it would be accessed.

There was much discussion about right-of-way, how many homes were serviced by the railroad bed, how many would be served by the private roads and the new right-of-way.

Bill D. said there were at least three lots being served by a private road and he questioned whether any additional lots could be added by subdivision rules.

Don H. said all things being equal, the town can't say how many houses are built on a private road, as long as they meet minimum lot sizes and frontage requirements.

Bill D. said doesn't understand how the rules don't apply to private roads. Don H. said Oak Ridge was developed long before the planning board had any say in subdivisions. Bill D. said the current proposal has to adhere to current rules. Don H. agreed and said anything that happens on Lot 36 is the only thing the planning board should consider.

There was some discussion about whether the road should be improved to meet town standards. Tom F. and Bill D. said that adding a new lot on the road should

mean the road needs to be improved to town specifications. Bill D. said he didn't understand how it shouldn't be improved.

Ed B. reminded the board of the so called "Friel amendment" where the board agreed that two houses could be serviced by one driveway. Tom F. said that the amendment to the subdivision also required a waiver given by the property owners to the town. Ed B. agreed.

Ed B. asked if the objective was to have one driveway for one lot and another for the existing lot. Betty H. said yes, that was her goal.

Don H. said he can put a fire truck up on the existing roads in the park and they have done it before. He said he didn't think the road way was 50 feet, but it was wide enough for a fire truck.

Harry B. said he and his client appeared before the board for a preliminary hearing to talk about access and to make decisions that were acceptable to the board before drafting a plan for consideration. Harry B. said because the lots are small, it will have to have state Department of Environmental Services review and approval. The fact that the lots have town water was discussed.

Don H. made a suggestion that one lot be slightly smaller to accommodate a road to the second lot. He said that might make it easier because there wouldn't have to be any deeded rights of way, or anything like it. It would simply be owned by the land owner. Harry B. said that might make one of the lots less than two acres.

Betty H. asked what would be solved by adjusting the lot size to make room for the road. Don H. said it might save some legal fees regarding the creation of a right-of-way document.

There were questions about ownership of the roads and what would be used to access the existing and lot to be created.

Harry B. said he would draw up a plan that would try to address the concerns of the board.

Ed B. tried to summarize the questions the board had about the proposal. He said there were questions about the road status and ownership, as well as the size of the road. Questions about a septic design and the need for an easement for a septic system. There was also discussion indicating that the septic system was brand new and never used for the second lot. Ed B. said there was question about language on a deed for the right of way

Ed B. said he had some questions about the proposal. He said he wondered about the slope and whether the new lot would have sufficient buildable area in

accordance with the town's subdivision regulations. Don H. the proposed new lot would be on fairly flat land. Ed B. said he thought that was all the questions the board had about the proposal.

Harry B. said there might be a need for an easement for the existing water line to the existing house that he would investigate. Harry B. said he would show any utility easements for the existing lots.

Betty H. said her objective was to move into a smaller home with one heat source closer to the road.

Harry B. said he would work on a design and plan and come before the board when it's complete with an application. Don H. encouraged Harry B. and Betty H. to come back before the board if they have any further questions as its being designed and the board would consider it still as a preliminary discussion.

**6. Correspondence/Communications**

None

**7. Reports of Committees**

None

**8. Pending Business**

Ed B. put on the agenda any comments the board might want to make regarding the planning board training offered by the State in Manchester. Ed B. said he wasn't sure the planning board should spend a lot of time on the topic, given the time of the evening and the fact that Tara K. and Mike S. were not present. Don H. said it was a good class. Bill D. said one thing he got out of the training was the way communications are handled, especially via email. Whenever any planning board business is discussed, if the "reply all" method of transmitting email is used, all computers that received that communications could become part of a court proceeding. He said the board should be cautious about how it uses that form of communication.

Ed B. said he was not going to be able to be at the June 25. Don H. asked any of the staff in the selectboard office could help just to sit in to take notes. Don H. said he could probably just turn the recorder on and off. Ed B. said he had previously asked about Karen Hyde doing the planning board minutes and the idea was not warmly received. The town has its work to do and any work Karen H. did for the planning board takes away from the work she can do for the town. Ed B. said yes Karen H. was an employee of the town, and technically she probably could do the minutes, but practically it was not a good practice.

Don H. asked that Ed B. ask if Karen H. will do the minutes. Ed B. said he would do whatever the board wanted and Don H. said that's what he wanted and to let him know what the answer was. Don H. said he could probably turn on the tape recorder and let the clerk do the minutes from the tape.

Ed B. said that could work because there were no applications pending. There was some talk that Harry B. could come in with a plan for Betty H.'s property, but there's nothing pending now.

10. **Other New Business**

None

11. **Public Appearances (Not Previously Scheduled)**

Nellie DeBloise asked about how to view applications and building permits. Don H. said she could ask in the town selectmen's office to look at copies. She asked what makes a town road. Ed B. said the planning board has little to do with the town accepting a road. It's done through the selectmen and town meeting. He said from a subdivision perspective, rights of way for road have to be 50 feet wide. Nellie D. asked about a driveway and whether that had to be 50 feet. Don H. said no it did not have to be 50 feet. He said the planning board didn't have anything to do with driveways. He said private roads and driveways are not something the planning board can really do anything about.

Nellie D. asked about maintaining of a private road and who is responsible. She said her husband has a heart condition and she wants to make sure an ambulance is able to get to her property.

Tom F. suggested Nellie D. get a copy of the town's subdivision regulations. Ed B. said they are on line and available on the town's web site. They are also available in print in the town's selectboard office. Specifically, Tom F. directed Nellie D. to review the provisions in Subdivision regulation article 4.5.1

Don H. said that residents who build homes on Class 6 roads, which are not maintained by the town, are required to sign waivers saying the town cannot be held liable for any damages should emergency vehicles be unable to reach the resident's home. Nellie D. said she's never signed a release. Nellie D. said a fire truck has been up her road and used a pond near her home for water, so she knows a fire truck can pass on the road.

Don H. said in the middle of the winter, and it's not plowed, it would be a different story. Don H. said an ambulance and any emergency vehicle will always try to make it to the scene of an emergency, but sometimes it is just not possible.

Ed B. confirmed the regulations are on line and offered the web site. Nellie D. said she had just gone on line the week before to find the time and date for the planning board meeting and found out the site had not been updated and she was there for the third Tuesday, not the fourth. Don H. said he asked if the date had been changed and he was told it had been changed and he was sure it had been. He didn't know why Nellie D. showed up the previous week.

Ed B. reminded the board and Nellie D. that a lot of what was being discussed about the situation on Barber Road was grandfathered and exists as is because of that. Any subdivision regulations only apply to new proposals, and cannot be imposed on existing properties. Nellie D. said she understands that. She said she was only concerned about current road conditions. Ed B. repeated that the planning board can do nothing about road maintenance of existing roads. The board directed Nellie D. to go to the selectboard's office with questions about existing road.

Nellie D. said there has been new construction and new homes built on Barber Road since the adoption of the subdivision regulations. She questioned whether or not that would have any impact on the road. She said recently, two more homes were built on property on the road.

Tom F. asked if they were built on existing lots. Nellie D. said she thought they had. Tom F. said that kind of building only needs permits. He said subdivision regulations only take affect when there's a subdivision. Nellie D. said she didn't understand that before Tom F.'s explanation. Ed B. said there can be more than one house on a lot. And if the property is not subdivided, the subdivision regulations don't apply. She said she understood that.

Nellie D. said if someone had 10 or 12 acres on the road and just keep putting houses on it, could the planning board do something to stop it. Ed B. said if the land wasn't subdivided, the planning board couldn't do anything. Tom F. said he thought the town might be able to do something about it through the building permit process. She said could she see building permits. Tom F. said yes and people would be able to help her in the town office between 8 am and 5 pm. She said she would check.

Ed B. said the board is there to serve the public and encouraged Nellie D. to keep asking questions if she has issues and to feel free to ask the planning board questions any time. She thanked the board for their time.

12. **Comments of the Clerk**

See above under pending business.

13. **Comments of the Planning Board**

None

14. **Other**

Ed B. asked the chairman to sign the mylar of Dave Martella for recording which was completed after the meeting adjourned.

15. **Adjournment/Next Regular Meeting**

The next meeting will be June 25. The meeting adjourned at 8:05 p.m. on a motion made by Mike B., seconded by Tom F. The motion carried with a unanimous vote.

**Respectfully submitted,**

Ed Ballam, Planning Board Clerk